

REMARKS

Claims 1-9 are pending, and stand non-finally rejected in an Official Action dated November 27, 2007. Reconsideration and further examination of the subject patent application in light of the present Amendment and Remarks, and the accompanying Declaration is respectfully requested.

I. PRIORITY UNDER 35 U.S.C. § 119

Applicant thanks the Examiner for the acknowledgment of the receipt of the priority document.

II. OBJECTION TO THE ABSTRACT

A substitute abstract is attached.

III. CLAIM REJECTIONS UNDER 35 U.S.C. § 112

Claim 7 was objected to as containing the term BPP0-BPP4. The claim has been amended to remove the objected-to term.

IV. AMENDMENTS TO THE CLAIMS

Claim 1 has been amended to recite that the first action is exerted by "an installer." Support for this amendment can be found at page 3, second full paragraph. This amendment was made to clarify the scope of the claim, and is unnecessary to overcome the prior art of record as shown in the remarks that follow.

Claim 1 has been further clarified to emphasize where the element chosen, selected, or identified from the group is the subject of the claim.

V. CLAIM REJECTIONS UNDER 35 U.S.C. § 102

A. The Teachings of Parise et al.

U.S. Patent No. 5,481,750 to Parise et al. discloses a process for allocating addresses in a network for the distribution of electrical energy in a dwelling. *Parise et al.*, at col. 1, lines 10-12. Parise et al. teach a system comprising a master controller and slaves for a dwelling. The rejection relies upon the situation when

the system of *Parise et al.* is connected to the network. *November 27, 2007 Office Action*, ¶7 at 3.

When a slave is connected to the network, addresses are allocated by typing a number into the master controller. *Parise et al.*, at col. 1, lines 32-35. That leads to the master controller being set to receive a signal within the duration of a timer. *Id.* at 36-40. When a button is pushed (*Parise et al.* at col. 2, line 33-34) the slave generates a first message requesting an allocation of an address. *Parise et al.*, at col. 1, lines 40-43. The message is then sent by the slave out onto the network where it can be received by the master. *Parise et al.*, col. 1, lines 43-45. The master controller then sends a second message containing an identification number for the slave out onto the network. *Parise et al.*, at col. 1, lines 45-47. The slave then transmits an acknowledgment over the network back to the master controller. *Parise et al.*, at col. 1, lines 47-50.

B. Claim 1 of the Present Application

Claim 1 is directed to a process that uses elements that are in a learning mode process to assemble a group of networked elements for controlling the equipment of a building. The process has two actions:

- 1) a first action exerted by an installer on one of the elements is interpreted as an interrogation concerning its state of membership in the group (included - excluded) and triggers the emission of an information signal regarding its state, and
- 2) a following action exerted by the installer on the same element is interpretable as an order for modifying its state of membership in the group.

The claim is clearly directed to two actions being exerted by an installer on a single element: “one of the elements” and “the element” are the same element. The first action is an “interrogation” and the second is an “order.”

C. Comparison of the Asserted Reference to Claim 1

1. Comparison of the First Action

The first action of claim 1 is an interrogation that requires *the interrogated device* to identify whether *it* is already included in the group being assembled or not to the interrogator. In the method of *Parise et al*, there is no such interrogation. Instead, the slave asks the master controller for an identifier for the slave to use. Further, in response, the master controller does not report to the slave whether the master controller is included in the group to be assembled or not.

Neither device has a first action with the response required by the first action of claim 1.

2. Comparison of the Second Action

Further, a second action must be exerted by *the installer on that same element*. In *Parise*, the only device that performs two actions is the slave. The slave of *Parise*: 1) *requests* for an address, and then 2) *acknowledges* that the address was correctly received.

Claim 1 requires a system where “a following action exerted *on* this element is interpretable as an *order* for modifying *its* state of membership in the group.” The second action by the slave of *Parise* is:

- 1) *not* an *order*, but instead an *acknowledgment* (acknowledgements do not require further action, whereas orders may); and
- 2) *not* for modifying the state of membership of the master (“its” if the master is “this element”), but instead is about the membership of the slave.

Instead, the result of the receipt of the acknowledgement (ACK) by the master is to display “OK” or “ERROR”. *Parise*, at col. 3, lines 28-61. The display of “OK” or “ERROR” by the master is not indicated to change the master’s state on the network. *Id.*

Accordingly, the teachings of *Parise et al.* do not encompass the language of the second step of claim 1. It is respectfully requested that the rejection of claim 1 be withdrawn. Further, all of the dependent claims have the same limitations as claim 1, and are not anticipated for the same reasons.

VI. CONCLUSION

For the foregoing reasons, applicant submits that the subject application is in condition for allowance and earnestly solicits an early Notice of Allowance. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. The Commissioner is authorized to charge any unpaid amount to Deposit Account No. 23-0920.

Respectfully submitted,
WELSH & KATZ, LTD.

By /s/Erik B. Flom
Erik B. Flom
Reg. No. 41,021

Dated: March 21, 2008
Customer No. 24628